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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,880	06/28/2000	Jeffrey Wheeler	95-427	6355

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LEON R TURKEVICH  
2000 M STREET NW  
7TH FLOOR  
WASHINGTON, DC 200363307

EXAMINER

GROSS, KENNETH A

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 07/03/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

8

**Office Action Summary**

Application No.

09/604,880

Applicant(s)

WHEELER ET AL.

Examiner

Kenneth A Gross

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2122

### DETAILED ACTION

- Now* 1. Based on the Request for ~~Reexamination~~ <sup>Reconsideration</sup> filed on April 14<sup>th</sup>, 2003, the examiner withdraws the rejection filed on January 15<sup>th</sup>, 2003. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claim 1, 10, 14, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Shieber et al. (U.S. Patent Number 6,138,098).

In regard to Claim 1, Shieber teaches the following: (a) receiving a generic command from the user (Column 3, lines 35-40); (b) validating the command based on a command parse tree (Column 3, lines 40-49); (c) issuing a prescribed command based on the matched element

(Column 3, lines 50-56). Claim 14 corresponds directly with Claim 1 and is rejected for the same reasons as Claim 1.

In regard to Claim 10, Shieber teaches: (a) a parser having a command parse tree configured for validating a command from the user (Column 3, lines 57-60) the parser identifying one of the elements as a best match relative to the command (Column 12, lines 23-28); (b) a plurality of translators configured for issuing commands for the management programs according to the respective command formats, the parser outputting a prescribed command to a selected one of the translators based on the identified one element (Figure 2, item 74). Claim 23 corresponds with Claim 10 and is rejected for the same reasons as Claim 10.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-9, 11-13, 15-22, and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shieber et al. (U.S. Patent Number 6,138,098) in view of Hancock et al. (U.S. Patent Number 6,397,283).

In regard to Claim 2, Shieber teaches the method of claim 1, but does not teach a table for associating user commands with acceptable commands containing tokens, nor does he teach determining the presence of a matching token in the tree. Hancock, however, does teach such a table as well as matching tokens from the command string and the command table (Column 8,

lines 48-67, and Column 9, lines 1-4). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the command processing method of Claim 1 as taught by Shieber, where the commands are compared to a table for associating user commands with acceptable commands containing tokens and the presence of a matching token in the tree is determined, as taught by Hancock, since a table allows for fast lookup and parsing of a command. Claims 11, 15, and 24 correspond directly with Claim 2 and are rejected for the same reasons as Claim 2.

In regard to Claim 3, Shieber teaches traversing the parse tree recursively (Column 3, lines 46-52 and Figure 6, items 142 and 152). Claims 12, 16, and 25 correspond directly with Claim 3 and are rejected for the same reasons as Claim 3.

In regard to Claim 4, Shieber teaches issuing the action based on the command string that matched the command (Column 50-56). Claims 13, 17, and 26 correspond directly with Claim 3 and are rejected for the same reasons as Claim 3.

In regard to Claim 5, Shieber teaches a translator that converts a generic command into a prescribed command (Figure 2, item 74). Claim 18 corresponds directly with Claim 5 and is rejected for the same reasons as Claim 5.

In regard to Claim 6, Shieber teaches a best match functionality (Column 12, lines 23-28). Claim 19 corresponds directly with Claim 6 and is rejected for the same reasons as Claim 6.

In regard to Claim 7, Shieber teaches that the command is related to a management program (Abstract). Claim 20 corresponds directly with Claim 7 and is rejected for the same reasons as Claim 7.

In regard to Claim 8, Shieber teaches a best match functionality (Column 12, lines 23-28). Claim 21 corresponds directly with Claim 8 and is rejected for the same reasons as Claim 8.

In regard to Claim 9, Shieber teaches that the command is related to a management program (Abstract). Claim 22 corresponds directly with Claim 9 and is rejected for the same reasons as Claim 9.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Pratt (U.S. Patent Number 6,134,709)

Obendorf (U.S. Patent Number 6,405,209)

Lee (U.S. Patent Number 6,405,365)

Cariño, Jr. et al. (U.S. Patent Number 5,864,843)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth A Gross whose telephone number is (703) 305-0542.

The examiner can normally be reached on Mon-Fri 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q Dam can be reached on (703) 305-4552. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Application/Control Number: 09/604,880  
Art Unit: 2122

Page 6

KAG  
June 24, 2003